

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICK CUSUMANO, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 4:17 CV 291 JMB  
 )  
BILL STANGE,<sup>1</sup> )  
 )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court on *pro se* Petitioner Rick Cusumano's ("Petitioner") Motion to Request Extension of Time to File a Certificate of Appealability and Request a Copy of the Court's Denial of Appeal (ECF No. 57). Petitioner is serving a life sentence at the Potosi Correctional Center, having been convicted of aggravated forcible rape following a jury trial in January, 2011, in the Circuit Court of St. Louis Country. Petitioner filed a *pro se* motion for habeas corpus pursuant to 28 U.S.C. § 2254, which this Court denied on March 17, 2020..

On March 27, 2020, *pro se* Petitioner filed a Notice of Appeal. (ECF No. 54) The Clerk of the Court electronically transmitted the case to the United States Court of Appeals for the Eighth Circuit on March 30, 2020. (ECF Nos. 55-56) Now Petitioner seeks reconsideration of the March 17, 2020, Order denying a Certificate of Appealability.

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<sup>1</sup> Petitioner is incarcerated at Potosi Correctional Center ("PCC"). When Petitioner filed this action Cindy Griffith was the Warden at PCC. Bill Stange is the current Warden at PCC. See Missouri Dep't Corr. Warden Listing, [http://doc.mo.gov/DAI/Warden\\_Listings.pho](http://doc.mo.gov/DAI/Warden_Listings.pho) (last visited February 17, 2020). Consequently, the Court will direct the Clerk to substitute Bill Stange as the respondent in this action. See Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts, Advisory Committee Notes.

In the March 17, 2020, Memorandum and Order (ECF No.52) denying the petition for writ of habeas corpus, this Court also determined that it would not issue a certificate of appealability in this matter. The Court has carefully reviewed Petitioner's request for an extension of time to file a certificate of appealability (ECF No. 57), and finds no reason to reconsider its order denying a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that for the reasons set forth in the Court's Memorandum and Order dated March 17, 2020, the Court will not issue a certificate of appealability in this matter, and Petitioner's Motion for Extension of Time to Filed a Certificate of Appealability (ECF No.57) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.

**IT IS FURTHER ORDERED** that the Clerk of the Court send a copy of the March 17, 2020, Memorandum and Order and Judgment (ECF Nos. 52-53) to Petitioner at the address listed in the Court record.

*/s/ John M. Bodenhausen*  
JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of April, 2020.